



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

SUMMARY MINUTES – JUNE 6, 2006

SUMMARY MINUTES¹

JUNE 6, 2006

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

William Elkins, President
Sean Harrigan, Vice President
Maeley Tom, Member
Anne Sheehan, Member
Patricia Clarey, Member

2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura

- A. The SPB is closing the current year (2005-06), \$18.5 million budget in the black. During this year we also completed the realignment of our positions with their appropriate funding sources. In other words, only general fund dollars support general fund positions, and only reimbursable dollars support reimbursable positions. This was accomplished by eliminating the policy unit and reassigning the staff to reimbursable work. This places next year's budget on a secure footing.
- B. The SPB's budget will likely increase next year to \$21.7 million. Most of this increase will be due to \$3.2 million secured to replace our current examination and certification system with a new system. Also, we recently learned that the conference committee agreed to restore \$640,000 in joint funding for DPA and SPB for classification reform in the IT area.
- C. We are already beginning the budget process for the year after next by reviewing concept BCP's on the staff level.
- D. The SPB is continuing to develop the college internship program with Cal EPA.

3. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA)
- DPA Representatives

Mike Navarro, Director of DPA, and Bill Avritt, Chief Deputy Director, announced July 1, 2006, as their retirement date from DPA. Mike Navarro and Bill Avritt made their final appearance before the Board and SPB Staff to express their gratitude for the extended courtesies and successful working relationship.

Daryll Tsujihara gave brief reports on recent activities of the Department of Personnel Administration.

¹ The Minutes for the Board can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

**4. REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)
- Maeley Tom**

Member Maeley Tom gave a brief report on recent activities of the Public Employees Retirement System.

5. REPORT OF THE CHIEF COUNSEL – Elise Rose

Litigation:

Brar vs. SPB - Superior Court of San Luis Obispo upheld SPB's decision affirming dismissal of Brar. Brar brought partially nude photos of women to work, showed S&M photos on his computer to a co-worker, and was charged with sexual harassment.

Martinez vs. SPB - Correctional officer was dismissed for failing a drug test. Court found the Board's decision was supported by substantial evidence and the penalty was not an abuse of discretion.

CDCR vs. SPB (Henning) - Scheduled for a hearing on June 8, 2006, on writ of mandate taken after the Board issued a decision on remand in this case involving issues of reasonable accommodation.

The Copley Press, Inc. vs. Superior Court of the County of San Diego – California Supreme Court will hear an oral argument on June 7, 2006, in San Diego. The issue is the accommodation between the public records act and the protections afforded to peace officer personnel records.

Other:

SPB legal is finalizing work on our Public Records Act Policy. The Policy is posted on our website as well as in various divisions. Division Chiefs or designees will be receiving training this month.

SPB legal is working on revising the discrimination complaint and reasonable accommodation regulations.

Attended excellent training on how to conduct an EEO investigation.

6. NEW BUSINESS

NONE PRESENTED

7. REPORT ON LEGISLATION – Sherry Evans

AB 2241 (Torrico), the SPB sponsored bill is being heard in the Senate Public Employees Retirement Committee.

8. INFORMATIONAL BRIEFING – EXAMINATION AND CERTIFICATION SYSTEM
- Karen Coffee, State Personnel Board

Karen Coffee, Chief, Merit Employment and Technical Resources Division, gave a brief report on the State Personnel Board's Examination and Certification System and what it does to facilitate departmental examinations and hiring.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

9. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

10. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]
(See Action Taken on Pages 9 - 15)

11. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Connerly v. State Personnel Board, California Supreme Court,
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

12. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

AB 2069 (Maze)

This bill would prohibit a public agency from hiring an applicant who does not possess the required degree from an accredited institution. In addition, an applicant must provide his or her diploma from an accredited institution to the hiring agency prior to appointment.

POSITION: NEUTRAL WITH AMENDMENTS

13. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

NO ACTION

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

**14. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF
JUNE 21, 2006, IN SACRAMENTO, CALIFORNIA**

NONE

BOARD ACTIONS:

15. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES

NONE

16. EVIDENTIARY CASES

ACTION: See Case Listings on Pages 9–17

**17. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION - (See Minutes on Pages 24–25)**

18. NON-EVIDENTIARY CASES

ACTION: See Case Listings on Pages 17–21

19. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On June 6, 2006, the following proposals were presented to the Board by Karen Coffee, Chief, Merit Employment and Technical Resources Division, California State Personnel Board.

ACTION: ADOPTED

VOTED: Elkins, Harrigan, Tom, Sheehan, Clarey – Aye

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

CERTIFIED NURSING ASSISTANT, CORRECTIONAL FACILITY

In accordance with federal court mandates the California Department of Corrections and Rehabilitation (CDCR) proposes the establishment of a new safety classification of Certified Nursing Assistant, Correctional Facility.

SENIOR INVESTMENT OFFICER/PORTFOLIO MANAGER, PERS SERIES SPECIFICATIONS (ASSET ALLOCATION/RISK MANAGEMENT), FIXED INCOME, GLOBAL EQUITIES, AND REAL ESTATE.

The California Public Employees' Retirement System (CalPERS) proposes the following revisions: modify the title of Investment Manager, PERS (Asset Allocation/Risk Management) to Portfolio Manager, PERS (Asset Allocation/Risk Management); add a promotional pattern for Investment Officer III within all of the Portfolio Manager, PERS specialty classes; establish the level of Senior Portfolio Manager, PERS (Asset Allocation/Risk Management) within the Senior Investment Officer/Portfolio Manager, PERS (Asset Allocation/Risk Management) series specification; and revisions to the Minimum Qualifications of the Senior Investment Officer, PERS (Asset Allocation/Risk Management) to reflect the changes listed above.

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

Title	Class Code
*Mineral and Land Audit Program Manager	4553
*Director, California Specialized Training Institute	2883
*Transportation Manager, Department of General Services	4534

** Indicates classes which are part of a class series. Only the classifications listed above will be abolished.*

20. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

21. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

DEPUTY EXECUTIVE DIRECTOR, CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

The California Pollution Control Financing Authority (CPCFA) proposes to allocate the above position to the CEA category. The Deputy Executive Director, CPCFA manages all the on-going and special functions of the CA Pollution Control Financing Authority (CPCFA), CA Industrial Development Financing Authority (CAEATFA), and the CA Urban Waterfront Area Restoration Financing Authority (CUWARFA), assuming a critical role in the Authorities' overall responsibility of providing low cost financial assistance to businesses for economic expansion and environmental improvement for California.

DEPUTY DIRECTOR, SECURITY MANAGEMENT DIVISION

The Department of Technology Services (DTS) proposes to allocate the above position to the CEA category. The Deputy Director, Security Management Division develops, maintains and enforces both statewide and department-wide policies and processes that provide for the integrity and security of both the DTS technical infrastructure and the automated information produced or used by the DTS and its 550 customer agencies statewide.

CHIEF, FIELD EXAMINATION DIVISION

The Department of Insurance proposes to re-allocate the above position from the classification of Division Chief, Department of Insurance, CEA to the Broad Band CEA category. The Chief, Field Examinations Division is responsible for formulating policies, planning, organizing, and directing the activities of the Field Examination Division.

CHIEF, FINANCIAL ANALYSIS DIVISION

The Department of Insurance proposes to re-allocate the above position from the classification of Division Chief, Department of Insurance, CEA to the Broad Band CEA category. The Chief, Financial Analysis Division is responsible for formulating policies, planning, organizing, and directing the activities of the Financial Analysis Division.

June 6, 2006

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

ASSISTANT CHIEF DEPUTY DIRECTOR

The Department of Alcoholic Beverage Control's proposal to allocate the above position to the CEA category has been disapproved effective March 25, 2006.

CHIEF, DIVISION OF PLAN SURVEYS

The Department of Managed Health Care's proposal to allocate the above position to the CEA category has been disapproved effective April 25, 2006.

CHIEF OF COMMUNICATIONS

The Department of Developmental Services has withdrawn their proposal to allocate the above position to the CEA category effective May 3, 2006.

DIRECTOR, OPERATIONS DIVISION

The Department of Child Support Services has withdrawn their proposal to allocate the above position to the CEA category effective May 12, 2006.

ACTION: NOTED

22. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

23. WRITTEN STAFF REPORT FOR BOARD INFORMATION

**REPORT TO THE LEGISLATURE –
Whistleblower Retaliation Complaints**

Government Code section 19683(F) requires the State Personnel Board to provide the Governor and the Legislature with an Annual Report regarding complaints filed and legal actions taken pursuant to SPB's role in the California Whistleblower Protection Act. This report covers the 2004 Calendar year. SPB staff is requesting the Board approve this report for submission to the Governor and Legislature.

ACTION: APPROVED

24. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

25. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on Pages 22–23

A D J O U R N M E N T

WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 16 – 18 AS NOTED.

16. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items were taken under submission by the State Personnel Board at a prior meeting.

On June 6, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Tom, Sheehan, Clarey – Aye

(1) ALEJANDRO GILL, CASE NO. 05-0054RA

Appeal for dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected January 6, 2006.

Oral argument heard May 2, 2006, Los Angeles.

Case ready for decision by FULL Board.

NO ACTION

(2) JUDY JOHNSON, CASE NO. 05-1367A

Appeal from automatic resignation

Classification: Motor Vehicle Field Representative

Department: Department of Motor Vehicles

Proposed decision rejected February 21, 2006.

Oral argument (written record) submitted May 2, 2006,

Los Angeles.

Case ready for decision by FULL Board.

NO ACTION

(3) RICK OCHOA, CASE NO. 04-2373BA

Appeal for determination of back salary, benefits and interest

Classification: Youth Correctional Officer

Department: Department of the Youth Authority

Proposed decision rejected January 24, 2006.

Oral argument heard April 4, 2006, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

June 6, 2006

(4) EDUARDO PEREZ, CASE NO. 05-0763A

Appeal from five percent reduction in salary for six months

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 1, 2005.

Oral argument (written record) submitted May 2, 2006,
Los Angeles.

Case ready for decision by FULL Board.

NO ACTION

(5) ERNEST PITTMAN, CASE NO. 05-1591A

Appeal from dismissal

Classification: Motor Vehicle Field Representative

Department: Department of Motor Vehicles

Proposed decision rejected December 6, 2005.

Oral argument heard March 8, 2006, Sacramento.

Case ready for decision by FULL Board.

ACTION: The Board issued a decision sustaining the dismissal.
Members Elkins and Harrigan dissented.

(6) RICHARD QUADRELLI, CASE NO. 05-1039A

Appeal from dismissal

Classification: Caltrans Maintenance Supervisor

Department: Department of Transportation

Proposed decision rejected December 6, 2005.

Oral argument heard March 8, 2006, Sacramento.

Case ready for decision by FULL Board.

ACTION: The Board issued a decision accepting the appeal for
filing and remanding to Chief ALJ for assignment for hearing on the
merits.

B. CASES PENDING

ORAL ARGUMENTS

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

NONE

STIPULATIONS

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These were ALJ proposed decisions submitted to the Board for the first time.

On June 6, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Tom, Sheehan, Clarey – Aye

- (1) JOE ALONZO, CASE NO. 04-3033**
Appeal from ten percent reduction in salary for twelve consecutive months
Classification: Registered Nurse
Department: Department of Developmental Services
ACTION: The Board adopted the ALJ's Proposed Decision modifying the reduction in salary.
- (2) KATHLEEN ANDERSON, CASE NO. 05-3504**
Appeal from non-punitive termination
Classification: Psychologist-Clinical, Correctional Facility
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the non-punitive termination.
- (3) ASHFAQ A. CHAUDHRY, CASE NO. 05-4285**
Appeal from official reprimand
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the official reprimand.
- (4) JIM V. CORRIERE, CASE NO. 05-3211**
Appeal from five percent reduction in salary for 18 months
Classification: Teacher, CF
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.

- (5) **JACK FRIEDMAN, M.D., CASE NO. 05-2596**
JOHN S. COLOCOUSIS, M.D., CASE NO. 05-2592 & 06-0016
Appeals from formal reprimand and formal reprimand and five work days suspension
Classification: Physician and Surgeon, Correctional Facility
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the the ALJ's Proposed Decision revoking the formal reprimands and the suspension.
- (6) **GAYLAN KOOP, CASE NO. 05-1222**
Appeal from dismissal
Classification: Commercial Vehicle Inspection Specialist I
Department: Department of California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (7) **HELEN MICKIEWICZ, CASE NO. 04-2682**
Appeal from demotion
Classification: Assistant Chief Public Utilities Counsel
Department: Public Utilities Commission
ACTION: The Board adopted the ALJ's Proposed Decision modifying the demotion.
- (8) **BLANCA MURGIA, CASE NO. 05-0069**
Appeal from administrative reassignment
Classification: Youth Correctional Officer
Department: Department of the Youth Authority
ACTION: The Board rejected the ALJ's Proposed Decision and remanded the matter to a different ALJ for a hearing on the merits.
- (9) **CARL PAGAN, CASE NO. 04-2838**
Appeal from demotion
Classification: Caltrans Maintenance Area Superintendent
Department: Department of Transportation
ACTION: The Board adopted the ALJ's Proposed Decision modifying the demotion.
- (10) **SHAWN E. PERKINS, CASE NO. 05-3105**
Appeal from twenty work days suspension
Classification: Water Resources Technician II
Department: Department of Water Resources
ACTION: The Board adopted the ALJ's Proposed Decision modifying the suspension.

- (11) **KATHRYN SANCHEZ, CASE NO. 05-2760**
Appeal from demotion
Classification: Staff Services Manager I
Department: State Controller's Office
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the demotion.
- (12) **RUPINDER SINGH, CASE NO. 05-2465**
Appeal from dismissal
Classification: Toll Collector
Department: Department of Transportation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (13) **WAYLUN SOON, CASE NO. 05-2172**
Appeal from dismissal
Classification: Programmer I
Department: Department of Health Services
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (14) **MARTHA STYER, CASE NO. 05-1622**
Appeal from demotion
Classification: Supervising Transportation Electrical Engineer, Caltrans
Department: Department of Transportation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the demotion.
- (15) **EVAN ZINICH, CASE NO. 05-3704**
Appeal from five percent reduction in salary for 24 months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision revoking the reduction in salary.

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

(16) MOSS DAVID POSNER, CASE NO. 04-2919ER

Appeal from discrimination and retaliation complaint

Classification: Physician and Surgeon

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision denying the religious/ethnic background discrimination complaint, denying the gender discrimination complaint and granting the retaliation complaint.

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On June 6, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Tom, Sheehan, Clarey – Aye

(1) STEVEN BARRIOS, CASE NO. 05-3507P

JAVIER PEREDA, CASE NO. 05-3599P

Appeals from dismissal

Classification: Psychiatric Technician and Psychiatric Technician Assistant

Department: Department of Developmental Services

ACTION: Petition for rehearing denied.

(2) DAREN L. FLOYD, CASE NO. 04-3003P

Appeal from dismissal

Classification: Motor Vehicle Field Representative

Department: Department of Motor Vehicles

ACTION: Petition for rehearing denied.

(3) ZHI-XUE XU, CASE NO. 05-1038P

Appeal from rejection during probationary period

Classification: Information Technology Consultant (Expert)

Department: California State University, San Jose

ACTION: Petition for rehearing denied.

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) TROY ALLEN, CASE NO. 05-2150A

Appeal from dismissal

Classification: Caltrans Equipment Operator II

Department: Department of Transportation

Proposed decision rejected February 7, 2006.

Pending oral argument May 2-3, 2006, Los Angeles.

Pending oral argument June 6-7, 2006, Sacramento.

Oral argument continued.

NO ACTION

(2) DANNY BROWN, CASE NO. 05-2209A

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected April 4, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

NO ACTION

(3) PRECILLA CALAUNAN, CASE NO. 05-1737RPA

Appeal from dismissal

Classification: Psychiatric Technician Assistant

Department: Department of Developmental Services

Petition for Rehearing granted March 8, 2006.

Pending oral argument July 11-12, 2006, Sacramento.

NO ACTION

(4) PAUL CHATHAM, CASE NO. 05-1287A

SARAH WIRTH, CASE NO. 05-1599A

Appeal from five percent reduction in salary for six months and two work days suspension

Classification: Correctional Lieutenant and Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Proposed decision rejected May 2, 2006.

Pending oral argument July 11-12, 2006, Sacramento.

NO ACTION

June 6, 2006

- (5) **GAIL GARCIA, CASE NO. 05-3030A**
Appeal from constructive demotion
Classification: Office Technician
Department: Department of Developmental Services

Proposed decision rejected May 2, 2006.
Pending oral argument August 8-9, 2006, Los Angeles.
NO ACTION
- (6) **RAYMOND GURULE, CASE NO. 05-1351A**
Appeal from dismissal
Classification: Youth Correctional Officer
Department: Department of the Youth Authority

Proposed decision rejected April 4, 2006.
Pending oral argument August 8-9, 2006, Los Angeles.
Pending oral argument September 5, 2006, Sacramento.
NO ACTION
- (7) **LEE KENDRICK, CASE NO. 04-1620PA**
Appeal from dismissal
Classification: Transportation Surveyor
Department: Department of Transportation

Petition for Rehearing granted April 4, 2006.
Pending oral argument August 8-9, 2006, Los Angeles.
NO ACTION
- (8) **SHANE MEE, CASE NO. 04-2474PAA**
Appeal from dismissal
Classification: Caltrans Equipment Operator II
Department: Department of Transportation

ACTION: Petition for Rehearing granted May 2, 2006.
Resolved without a further hearing
- (9) **JONATHAN SILVERMAN, CASE NO. 05-0078A**
Appeal from dismissal
Classification: Workers' Compensation Payroll Auditor
Department: State Compensation Insurance Fund

Proposed decision rejected May 23, 2006.
Pending transcript.
NO ACTION

June 6, 2006

(10) RAYMOND SLEDGE, CASE NO. 04-2809PA

Appeal from dismissal

Classification: Youth Correctional Counselor

Department: Department of the Youth Authority

Petition for Rehearing granted March 8, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

NO ACTION

(11) JAMES STEED, CASE NO. 05-0207PA

Appeal from constructive medical suspension

Classification: Facility Captain

Department: Department of Corrections and Rehabilitation

Petition for Rehearing granted March 8, 2006.

Pending oral argument August 8-9, 2006, Los Angeles.

NO ACTION

18. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On June 6, 2006, the Board adopted as indicated below the following items presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Harrigan, Tom, Sheehan, Clarey – Aye

(1) JOSE CASTILLO, CASE NO. 05-1487

Classification: Youth Correctional Counselor

Department: Department of Corrections and Rehabilitation

Issue: Suitability; omitted pertinent information, furnished inaccurate information and a negative driving record.

ACTION: DENIED

- (2) **PAULINA KEHOE, CASE NO. 05-0508**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability, omitted pertinent information, arrest/conviction record and negative law enforcement contacts.
ACTION: DENIED
- (3) **RODOLPHO MARTIN, CASE NO. 05-1729**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug activity.
ACTION: DENIED
- (4) **ORIN MCGOWAN, CASE NO. 05-4291**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; appellant is prohibited from carrying a firearm.
ACTION: DENIED
- (5) **BRADY MERINO, CASE NO. 05-0659**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; failure to register for Military Selective Service.
ACTION: DENIED
- (6) **OMAR MORENO, CASE NO. 05-0657**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative employment record.
ACTION: DENIED
- (7) **DONTE MORRISON, CASE NO. 05-0417**
Classification: Motor Vehicle Field Representative
Department: Department of Motor Vehicles
Issue: Suitability; arrest/conviction record.
ACTION: DENIED
- (8) **JAIME RUSSELL, CASE NO. 05-1682**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, furnished inaccurate information and a negative employment record.
ACTION: DENIED

- (9) **O'RYAN SCOTT, CASE NO. 05-1684**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, furnished inaccurate information, negative employment record and negative law enforcement contacts and failure to meet legal obligations.
ACTION: DENIED
- (10) **ROBERTO SOSA, CASE NO. 05-1164**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative driving record.
ACTION: DENIED
- (11) **TONY STEINGRABER, CASE NO. 05-0275**
Classification: Commercial Vehicle Inspector Specialist I (CVIS I)
Department: California Highway Patrol
Issue: Suitability; marijuana use within two years of application.
ACTION: DENIED
- (12) **REBECCA STITT, CASE NO. 05-0597**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative employment record.
ACTION: DENIED
- (13) **KIMBERLY STOUT, CASE NO. 05-1917**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug activity.
ACTION: DENIED
- (14) **MOISES TAFOYA, CASE NO. 05-1690**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative driving record..
ACTION: DENIED
- (15) **CRYSTAL THOMAS, CASE NO. 05-1683**
Classification: CHP, Public Safety Dispatcher II
Department: California Highway Patrol
Issue: Suitability; omitted pertinent information.
ACTION: DENIED

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(16) DEON WALKER, CASE NO. 05-1149

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: Suitability; furnished inaccurate information, omitted pertinent information and fraud.

ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

NONE

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

NONE

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

On June 6, 2006, the Board adopted as indicated below the following items presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

(1) DEIDRE GREEN, CASE NO. 05-0683

Classification: Member of the Public

Department: Department of Corrections and Rehabilitation

Issue: The charging party request charges are filed against the charged party for violations of various subsections of Government Code section 19572.

ACTION: DENIED

(2) LISA JOHNSON, CASE NO. 05-0756

Classification: Member of the Public

Department: Employment Development Department, California Unemployment Insurance Appeals Board, Department of Real Estate and Department of Industrial Relations

Issue: The charging party requests that charges be filed against the charged parties for violations of unnamed subsections of Government Code, section 19572.

ACTION: DENIED

- (3) **BRIAN PARKS, CASE NO. 05-1504, 05-2365, 05-2480, 05-2481, 05-2632, 05-2633, 05-3328, 05-3329, 05-4394**
Classification: Civilly Committed Patient at Patton State Hospital
Department: Department of Mental Health
Issue: The charging party requests to file charges against employee of the Patton State Hospital.
ACTION: DENIED

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

NO ACTION

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

NO ACTION

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

NO ACTION

7. ERNEST PITTMAN, CASE NO. 05-1591A

Appeal from dismissal. Motor Vehicle Field Representative. Department of Motor Vehicles. (Oral argument held March 8, 2006.)

ACTION: The Board issued a decision sustaining the dismissal. Members Elkins and Harrigan dissented.

8. RICHARD QUADRELLI, CASE NO. 05-1039A

Appeal from dismissal. Caltrans Maintenance Supervisor. Department of Transportation. (Oral argument held March 8, 2006.)

ACTION: The Board issued a decision accepting the appeal for filing and remanding to Chief ALJ for assignment for hearing on the merits.

9. RICK OCHOA, CASE NO. 04-2373B

Appeal for determination of back salary, benefits and interest. Youth Correctional Officer. Department of the Youth Authority. (Oral argument held April 4, 2006.)

NO ACTION

10. ALEJANDRO GILL, CASE NO. 05-0054RA

Appeal from dismissal. Correctional Officer. Department of Corrections and Rehabilitation. (Oral argument held May 2, 2006.)

NO ACTION

11. JUDY JOHNSON, CASE NO. 05-1367A

Appeal from automatic resignation. Motor Vehicle Field Representative. Department of Motor Vehicles. (Oral argument, Written Record submitted May 2, 2006.)

NO ACTION

12. EDUARDO PEREZ, CASE NO. 05-0763A

Appeal from five percent reduction in salary for six months. Parole Agent I (Adult Parole). Department of Corrections and Rehabilitation. (Oral argument, Written Record submitted May 2, 2006.)

NO ACTION

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

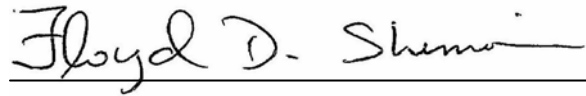
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on July 6, 2006.

VOTE: Elkins, Harrigan, Tom, Sheehan, Clarey – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd Shimomura
Executive Officer
California State Personnel Board